

Settlements Challenged As Antitrust Violations

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The U.S. Court of Appeals for the Eighth Circuit ruled that an Arkansas statute implementing the nation-wide tobacco settlement agreement was immune from antitrust scrutiny under the state action doctrine. The U.S. Department of Justice expressed concerns about a proposed class action settlement of a copyright dispute arising out of plans to create a comprehensive digital book library by the leading Internet search engine.

Other recent antitrust developments of note included a state court decision following federal precedent and ruling that the settlement of a pharmaceutical patent dispute involving a payment to potential generic rivals did not unreasonably restrain trade because it did not exceed the scope of the patent.